

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

SALLY ANN JOHNSON,
also known as “Angelia Johnson,”
“Angela Johnson,” and
“Sally Reed”
Defendant

Case No. 17-CR-10265-DJC

**Government’s Response to Defendant’s Motion for Judicial Recommendation
Regarding 9 Months of RRC Placement**

The government takes no position on the defendant’s pro se motion seeking a judicial recommendation of nine months in a residential re-entry center (“RRC”)[D. 48]. As Johnson implicitly recognizes in her motion, which seeks a recommendation of RRC placement, not an order for one, the choice whether and when to move Johnson from incarceration to another form of custody is almost entirely within the discretion of the Bureau of Prisons, not within the authority of the Court. *See Muniz v. Sabol*, 517 F.3d 29, 40 (1st Cir. 2008). The BOP will consider any recommendation from the Court together with other factors, including the availability of space at a suitable RRC. *See, e.g.*, Bureau of Prisons, Guidance for Home Confinement and Residential Reentry Center Placements (May 24, 2013 memorandum) at 3 (listing factors that must be assessed when deciding whether RRC placement is appropriate), available at https://www.bop.gov/foia/rrc_hc_guidance_memo.pdf. The government suggests

leaving the determination as to whether, and for how long, the defendant would benefit from an RRC placement in the capable hands of the BOP.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: */s/ Sandra S. Bower*
SANDRA S. BOWER
BRIAN A. PÉREZ-DAPLE
Assistant U.S. Attorneys

Certificate of Service

I hereby certify that a copy of this document, filed through the ECF system, will be sent by U.S. mail today to Defendant Sally Ann Johnson, #00577-138, Federal Prison Camp, PO Box A, Alderson WV 24910.

Dated: December 27, 2018

/s/ Sandra S. Bower
Assistant United States Attorney